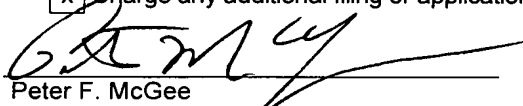


AMENDMENT TRANSMITTAL LETTER				Docket No. M4065.1006/P1006-B	
Application No. 10/787,123-Conf. #4687		Filing Date February 27, 2004		Examiner R. R. Forde	
Art Unit 2826					
Applicant(s): Terry L. Gilton					
Invention: PROGRAMMABLE CONDUCTOR MEMORY CELL STRUCTURE AND METHOD THEREFOR					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	32	- 28 =	4	x 50.00	200.00
Independent Claims	2	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					200.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-1073</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 Peter F. McGee Attorney Reg. No.: 65,947				Dated: <u>January 9, 2006</u>	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street NW Washington, DC 20037-1526 (202) 828-2232					



180
Docket No.: M4065.1006/P1006-B
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Terry L. Gilton

Confirmation No.: 4687

Application No.: 10/787,123

Art Unit: 2818

Filed: February 27, 2004

Examiner: R.R. Forde

For: PROGRAMMABLE CONDUCTOR MEMORY
CELL STRUCTURE AND METHOD
THEREFOR

**RESPONSE TO RESTRICTION REQUIREMENT AND SECOND PRELIMINARY
AMENDMENT**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Prior to examination on the merits, please consider the following response to the restriction requirement dated December 7, 2005 and amend the above-identified U.S. patent application as follows:

A Response to the Restriction Requirement begins on page 3 of this paper.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Remarks/Arguments begin on page 10 of this paper.

01/10/2006 JADD01 00000007 10787123

01-FC-1202

200.00 OP

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement dated December 7, 2005, applicant elects Species I, with traverse.

The Office Action contains a requirement for restriction between the following species of the claimed invention described as follows:

- a. Species I, as shown in Figures 1A, 1B, and 2.
- b. Species II, as shown in Figures 1C and 2.
- c. Species III, as shown in Figures 1A, 1B, and 3-5.
- d. Species IV, as shown in Figures 1C and 3-5.

Applicant elects Species I for further prosecution in this application. Applicant reserves the right to pursue all of the pending claims and others in this or other applications. The election of Species I is made with traverse.

The election of species requirement set forth beginning on page 2 of the Office Action is not clear and does not meet the requirements of MPEP § 809.02(a). The Office Action does not provide reasons why the species are independent or distinct.

Applicant respectfully requests that the restriction requirement be withdrawn and that any further restriction requirement provide reasons why the species are independent or distinct as required by MPEP § 809.02(a).